

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

MIKE EDWIN ISERLOTH,

Plaintiff,

vs.

NANCY BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CV 16-114-GF-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Magistrate Judge John Johnston issued an Order denying Plaintiff Mike Iserloth's application for an award of attorney's fees and costs on April 18, 2018. (Doc. 30.) The Ninth Circuit Court of Appeals vacated Judge Johnston's April 18, 2018 Order. The Ninth Circuit determined that Judge Johnston lacked jurisdiction to issue an Order regarding Iserloth's application for attorney's fees and costs. The Ninth Circuit determined that Iserloth's application had been referred to Judge Johnston for Findings and Recommendations. The Ninth Circuit remanded the case for further proceedings (Doc. 28 at 1.)

Judge John Johnston reassessed Iserloth's application for attorney's fees and costs. Judge Johnston entered Findings and Recommendations in this matter on March 5, 2019. (Doc. 20.) Judge Johnston determined that Iserloth should recover

attorney's fees in the amount of \$7,042.09. Judge Johnston recommended that Iserloth's Application for an Award of Equal Access to Justice Act Fees (Doc. 20) be granted. Neither party filed objections.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 30), are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Iserloth shall recover attorney's fees under the Equal Access to Justice Act in the amount of \$7,042.09.

IT IS FURTHER ORDERED that Iserloth's Application for an Award of Equal Access to Justice Act Fees (Doc. 20) is **GRANTED**.

DATED this 21st day of March, 2019



Brian Morris
United States District Court Judge